

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST LITIGATION No. M 07-1827 SI

No. M 07-1827 SI
MDL No. 1827

This Order Relates to:

All Indirect-Purchaser Plaintiff Class Actions

**ORDER DENYING DEFENDANTS'
JOINT MOTION TO CERTIFY FOR
INTERLOCUTORY REVIEW THE
COURT'S ORDER DENYING
DEFENDANTS' DISPOSITIVE MOTION
UNDER THE FTAIA**

Defendants have filed a motion for leave to immediately appeal this Court’s order denying their “joint dispositive motion” under the FTAIA. Defendants seek review of this Court’s determination that their alleged price-fixing conspiracy had a sufficiently “direct” effect on the American economy to satisfy the domestic-injury exception to the FTAIA. *See United States v. LSL Biotechnologies*, 379 F.3d 672, 680 (9th Cir. 2004) (“[A]n effect is ‘direct’ if it follows as an immediate consequence of the defendant’s activity.”). A district court may certify an interlocutory appeal where an “order involves a controlling question of law as to which there is substantial ground for difference of opinion and . . . immediate appeal from the order may materially advance the ultimate termination of the litigation.” 28 U.S.C. § 1292(b). Given the late stage of these proceedings, the Court finds that immediate appeal would not “materially advance” the termination of this litigation, and therefore DENIES defendants’ motion. The hearing currently scheduled for December 16, 2011, is VACATED. Docket No. 4096 in 07-1827.

IT IS SO ORDERED.

Dated: December 15, 2011

Susan Illston
SUSAN ILLSTON
United States District Judge